

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ELVIA CORDERO,
as Personal Representative of the Estate of Robert Montes

Plaintiff,

v.

CIV No. 13-31 JCH/GBW

TODD FROATS et al.

Defendants.

ORDER SETTING PRETRIAL DEADLINES
AND BRIEFING SCHEDULE

The Court held a Rule 16 initial scheduling conference on May 10, 2013. The case is hereby assigned to a standard case-management track. Additionally, the Joint Status Report filed by Plaintiff, after consultation with the parties, is adopted as an order of the Court, except as provided below.

The deadline for Plaintiff to amend pleadings and/or join additional parties is June 14, 2013. The deadline for Defendant to amend pleadings and/or join additional parties is July 14, 2013.

Plaintiff, and Defendants collectively, shall be limited to fifty (50) interrogatories, fifty (50) requests for admission, fifty (50) requests for production, and twenty (20) depositions.

The termination date for discovery is November 15, 2013, and discovery shall not be reopened, except by an order of the Court upon a showing of good cause. This

deadline shall be construed to require that discovery be completed on or before the above date. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by November 26, 2013. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

All expert witnesses must be disclosed by the parties, even if the expert is not required to submit an expert report. See *Musser v. Gentiva Health Servs.*, 356 F.3d 751, 756-57 (7th Cir. 2004); D.N.M.LR-Civ. 26.3(b). Plaintiff shall identify to all parties in writing any expert witness to be used by Plaintiff at trial and provide expert reports pursuant to Federal Rule of Civil Procedure 26(a)(2)(B) no later than August 15, 2013. All other parties shall identify in writing any expert witness to be used by such parties at trial and provide expert reports pursuant to Federal Rule of Civil Procedure 26(a)(2)(B) no later than September 16, 2013.

Pretrial motions, other than discovery motions, shall be filed with the Court and served on opposing parties by December 16, 2013. Parties shall have thirty days to

respond to Pretrial motions, and replies, if any, will be due fifteen days after the response is filed. Any pretrial motions, other than discovery motions, filed after the above dates shall be considered untimely in the discretion of the Court.

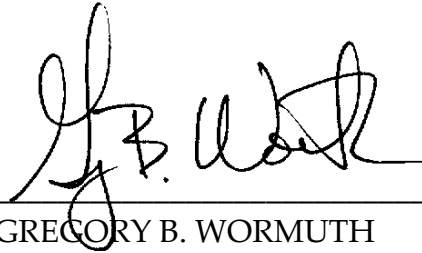
If documents are attached as exhibits to motions, affidavits, or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

Motion practice must be conducted in accordance with the local rules. In particular, the Court would highlight Local Rule 7.4 which provides that response and reply deadlines "may be extended by agreement of all parties. For each agreed extension, the party requesting the extension must file a notice identifying the new deadline and the document (response or reply) to be filed. If an extension of time is opposed, the party seeking the extension must file a separate motion within the applicable fourteen (14) day period." D.N.M.LR-Civ. 7.4(a). Of course, any extension of briefing time must not interfere with the case management deadlines established herein. *Id.*

Counsel are directed to submit a consolidated final pretrial order as follows: Plaintiff to Defendant on or before January 30, 2013; Defendant to Court on or before February 13, 2013. Counsel are directed that the pretrial order will provide that no witnesses except rebuttal witnesses, whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and

opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE